SINGAPORE REPORTS

WORKERS' PARTY v. TAY BOON TOO; WORKERS' PARTY v. ATTORNEY-GENERAL

[O.C.J. (Chua J.) November 1, 1974]
[Singapore — Suit Nos. 1913 of 1972 and 1207 of 1973]

Defamation — Libel and Slander — Publication — Original words in foreign language — Proof of special damage — Justification — Qualified privilege — Defamation Act (Cap. 32), s. 5.

The plaintiff sued the defendants for damages for slander. In Suit No. 1913 of 1972, it was alleged that the defendant uttered defamatory words in Hokkien in a speech at an election rally. In Suit No. 1207 of 1973, it was alleged that a Radio Singapore broadcast published those words in English. The plaintiff did not set out in the statement of claim the defamatory words in Hokkien. In the statement of claim, the plaintiffs set out the broadcast version of the words. In evidence, the plaintiff proved only a reporter's version of the words. The other facts are set out in the judgment.

Held: (1) if slander alleged is in a language other than English it must be set out in the statement of claim in the foreign language precisely as spoken and followed by a literal translation. It is not enough to set out a translation without setting out the original or vice versa. While the absence of a translation in the pleadings may not be fatal to the plaintiff's case, the absence of original words in the foreign language in question is;

(2) after the plaintiff has proved the actual words published he must also prove that the translation given in the statement of claim is correct. The plaintiff in this case has not proved publication;

(3) the general rule is that no action will lie for slander unless the plaintiff can prove that he has suffered damage, except in the four classes of imputations which are described as slanders actionable *per se;*

(4) untruth alone does not render an imputation defamatory. An imputation to be defamatory must tend to lower the plaintiff in the estimation of right thinking members of the society generally;

(5) special damage must be the natural and reasonable result of the defendant's words;

(6) to establish a plea of justification, the defendant must (a) prove that the defamatory imputation is true, (b) justify the precise imputation complained, and (c) prove the truth of all material statements in the libel. There must be substantial justification of the whole libel. However, it is not necessary to prove the truth of every word of the libel;

(7) it is clear the words were broadcast on privileged occasion and there is no evidence of malice on the part of the defendant in Suit No. 1207 of 1973.

Cases referred to:-

(1) *Harrison v. Bevington* 173 E.R. 683.
(2) *Maitland* v. *Goldney* 102 E.R. 431.
(3) *Rainy* v. *Bravo* (1872) L.R. 4 P.C. 287.
(4) *Zenobia* v. *Axtell* 101 E.R. 489.
(5) *Jenkins* v. *Phillips* 173 E.R. 1045.
(6) *D. & L. Caterers Ltd. & Jackson* v. *D'Ajou* [1945] 1 All E.R. 563.
(7) *Seymour* v. *Butterworth* 176 E.R. 166.
(8) *Sim* v. *Stretch* [1936] 2 All E.R. 123.
(9) *Grubb* v. *Bristol United Press Ltd.* [1962] 2 All E.R. 380.
(10) *Syed Husin Ali* v. *Sharikat Penchetakan Utusan Melayu Berhad* [1973] 2 M.L.J. 56.
(11) *Braddock* v. *Bevins* [1948] 1 All E.R. 450.
(12) *Burns* v. *Associated Newspapers Ltd.* (1925) 42 T.L.R. 37.
(13) *Edwards* v. *Bell* 130 E.R. 162 at 165.

CONSOLIDATED ACTIONS.

J. B. Jeyaretnam for the plaintiff.

G. S. Hill and *P. Selvadurai* for the defendant in Suit No. 1913 of 1972.

Tan Boon Teik (Attorney-General) and *Warren Khoo* (Deputy Senior State Counsel) for the defendant in Suit No. 1207 of 1973.

Chua J.: The plaintiff, a political party in Singapore, is suing Tay Boon Too for damages for slander. Tay Boon Too is a member of the People's Action Party, another political party in Singapore, and he was nominated for election to Parliament for the constituency of Paya Lebar in the 1972 general elections (Suit 1913 of 1972).

The plaintiff had also nominated a candidate for election to Parliament for the same constituency.

The plaintiff is also suing the Attorney-General for damages for libel contained in a radio broadcast and published by the Department of Broadcasting, Ministry of Culture, on the 26th August, 1972 (Suit 1207 of 1973.)

By an Order of Court of the 11th February, 1974, these two actions were ordered to be consolidated.

The P.A.P. held a public election rally at Lorong Tai Seng in the constituency of Paya Lebar on the night of the 25th August, 1972. Tay Boon Too was one of the speakers.

That same night in the 11 p.m. regular news broadcast of Radio Singapore the following item of news was broadcast:

"At another P.A.P. rally in Lorong Tai Seng, the P.A.P.'s candidate for Paya Lebar, Mr. Tay Boon Too, accused the Workers' Party of having received 600,000 dollars from a foreign country for its election campaign".

This item of news was an edited version of a report of Law Ah Ta, a reporter of the Department of Broadcasting.

This item of news was repeated in the 6.30 a.m., 7 a.m. and 8 a.m. news broadcast on the 26th August, 1972.

On the 1st September, 1972, the plaintiff issued the writ against Tay Boon Too. Paragraphs 5 and 6 of the statement of claim read:

"5. At a public rally addressed by the defendant at Lorong Tai Seng in the constituency of Paya Lebar on the night of the 25th August 1972 the defendant falsely and maliciously spoke and published of and concerning the plaintiff and of it in the way of its said undertaking and in relation to its conduct therein by saying to the persons attending the rally that the plaintiff had received a sum of $600,000.00 from sources outside Singapore for its election expenses.

6. By the said words the defendant meant and was understood to mean that the plaintiff was acting in the interests of persons who were not citizens of Singapore and that the plaintiff's motives in contesting the elections were questionable as to whether they were genuinely to serve the interests of the citizens of Singapore or foreigners."

The plaintiff also claimed special damage of $10,577.38 for "election expenses incurred by plaintiff".

On the 15th June, 1973, the plaintiff issued the writ against the Attorney-General. Paragraphs 4 and 5 of the statement of claim read:

"4. On the 26th August 1972 the defendant falsely and maliciously broadcast and published or caused to be broadcast and published over its wireless transmission to the public for reception of and concerning the plaintiff and in relation to its conduct in the same Parliamentary elections a statement allegedly made by one Tay Boon Too on the night of the 25th August 1972 that the plaintiff had received a sum of $600,000 from sources outside Singapore for its election expenses.

5. The said words meant and were intended to mean that the plaintiff was acting in the interests of persons who were not citizens of Singapore and that the plaintiff's motives in contesting the said elections were questionable as to whether they were genuinely to serve the interests of the citizens of Singapore or foreigners."

The plaintiff also claimed special damage of $10,577.38 for "election expenses incurred by plaintiff".

The plaintiff called Ee Boon Lee, Controller News in the Department of Broadcasting and Law Ah Ta the Department's reporter as witnesses. The report made by Law Ah Ta of the speech made by Tay Boon Too was admitted in evidence.

The relevant portion of the report (Ex. P4) reads:

"In the P.A.P. election rally tonight at Lorong Tai Seng, Paya Lebar candidate Mr. Tay Boon Too accused the Workers' Party of having received a sum of 600,000 dollars from Kuala Lumpur for the current election campaign. The W.P., he said, celebrated its anniversary at the Singapore Malay National Organisation's premises indicates that it is not an independent party. And the SMNO is a Kuala Lumpur's arm in Singapore which carries out subversive activities."

The plaintiff applied at the trial for and was granted leave to amend its statement of claim in its suit against Tay Boon Too. Paragraphs 5 and 6 were amended and read:

"5. At a public rally addressed by the defendant at Lorong Tai Seng in the constituency of Paya Lebar on the night of the 25th August 1972 the defendant falsely and maliciously spoke and published of and concerning the plaintiff and of it in the way of its said undertaking and in relation to its conduct therein by saying to the persons attending the rally that the plaintiff had received a sum of $600,000 from Kuala Lumpur for the current election campaign and celebrated its anniversary at the Singapore Malay National Organisation's premises indicating that it is not an independent party and that the Singapore Malay National Organisation is a Kuala Lumpur arm in Singapore which carries out subversive activities.

6. By the said words the defendant meant and was understood to mean that the plaintiff was acting in the interests of persons who were not citizens of Singapore and that the plaintiff's motives in contesting the elections were questionable as to whether they were genuinely to serve the interests of the citizens of Singapore or foreigners and that the plaintiff was associating itself with a subversive arm of a foreign power in Singapore."

The amendment is underlined.

Both defendants elected not to adduce evidence. The plaintiff then made a second speech closing his case and the two defendants stated their case.

Counsel for the plaintiff submits that the plaintiff must prove and it has proved (a) that the defendant Tay Boon Too uttered the words complained of and (b) that the words are defamatory.

The Attorney-General relies on two defences namely (1) the words complained of are not defamatory and (2) the broadcast was made on an occasion of qualified privilege.

The defendant Tay Boon Too by his re-amended defence raises the following defences:

(1) He denies he uttered the words complained of in paragraph 5 of the amended statement of claim.

(2) He denies that the words allegedly spoken by him either bore or were capable of bearing a defamatory meaning.

(3) He pleads justification for part of the words allegedly spoken by him.

Counsel for the defendant Tay Boon Too submits that the plaintiff has not proved publication of the words complained of.

In order to appreciate this submission it is necessary to set out the evidence relating to how the report Ex. P4 was written.

The evidence of Law Ah Ta, the reporter from the Department of Broadcasting, is that Tay Boon Too spoke in Hokkien; that he took notes of the speech in point form as Tay Boon Too spoke, not verbatim; that the notes were made in Chinese in his note book; that he later submitted the report Ex. P4 to the news editor; that the report was a translation of his notes; that the report contained accurately what he heard at the rally; that he cannot remember the exact words used by Tay Boon Too; that the words "subversive activities" were chosen by him when he translated from his notes; that the word "subversive" was the word he chose; that he could have chosen another word but he chose "subversive" as the most suitable word; that he cannot remember the Chinese word used; and that the note book after it was used up was collected by the office attendant and he did not know where it is now.

The plaintiff must prove that the words complained of have been published. The plaintiff has called only one witness, Law Ah Ta, who was present at the rally and heard the speech of Tay Boon Too. No other witness who attended the rally and heard Tay Boon Too's speech was called by the plaintiff to prove the speaking of the words. Law Ah Ta has not proved the actual words alleged to have been published. It is clear from his evidence that what he set out in his report Ex. P4 was what he conceived to be the substance or effect of the words or his impression of what was said.

In an action for slander the witnesses must prove the words used and cannot be allowed to state the impression produced upon their minds by the whole of the conversation (*Harrison* v. *Bevington*[1]). It is not sufficient for them to state what they conceive to be the substance or effects of the words (*Maitland* v. *Goldney*[2]).

In *Rainy* v. *Bravo*[3] which is an action for libel, Sir Montague Smith in his judgment said (at page 295):

"If the defamatory writing does not exist, and secondary evidence is offered of its contents, the words must be proved and not what the witness conceives to be the substance or the effect of them; for otherwise witnesses and not the court or a jury, would be made the judges of what was a libel."

Here the slander alleged was spoken in Hokkien but the words complained of were set out in English in the amended statement of claim. English is the official language of the court and in that context any

other language would be a foreign language. If the slander alleged is in a language other than English it must be set out in the statement of claim in the foreign language precisely as spoken and followed by a literal translation. It is not enough to set out a translation without setting out the original or vice versa. (*Gatley* on Libel & Slander, 7th Ed. paragraph 987). While the absence of a translation in the pleadings may not be fatal to the plaintiff's case the absence of the original words in the foreign language in question is.

In *Zenobia* v. *Axtell*[4] the libel was published in a newspaper in the French language. The defendant suffered judgment to go by default and the defendant later moved in arrest of judgment and judgment was arrested on the ground that a translation of the words, and not the original French words, was set out in the declaration but the court gave the plaintiff leave to amend his declaration on payment of costs. The amendment was allowed because evidence of the actual words were on the record. In the present case the plaintiff has closed its case with no such evidence on the record.

In *Jenkins* v. *Phillips*,[5] an action for slander, the declaration stated that the defendant said of the plaintiff, "He is a thief, a swindler, and a forger" etc. The words were proved to have been spoken in the Welsh language but were of the same meaning as the English words stated in the declaration. Counsel for the defendant submitted that the Welsh words should have been set out in the declaration and also a translation. Whereupon counsel for the plaintiff applied for leave to amend by inserting the Welsh words in the declaration. The court allowed the amendment on payment of costs.

After the plaintiff has proved the actual words published he must also prove that the translation given in the statement of claim is correct by calling an interpreter sworn as a witness (*Gatley*, paragraph 1207).

I am of the view that the plaintiff in this case has not proved publication of the words complained of.

The next point taken by counsel for the defendant Tay Boon Too is that this is not a case of slander which is actionable *per se* and that the plaintiff has not proved special damage.

It is submitted by counsel for the plaintiff that the words complained of are actionable *per se* without proof of special damage for the reasons that (1) the words impute the commission of a crime by the plaintiff and (2) the words disparage the plaintiff in the way of its business or calling.

The general rule is that no action will lie for slander unless the plaintiff can prove that he has suffered special damage that is to say actual pecuniary loss or damage capable of pecuniary assessment, as a result of the publication of the words of which he complains. The general rule does not apply to four rigidly defined classes of imputations which are described as slanders actionable *per se*, namely without proof of special damage. Only two of these classes are relevant in this case. They are (1) where the words impute a crime for which the plaintiff can be made to suffer physically by way of punishment and (2) where the words are calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of publication (*Gatley*, paragraph 143).

Has the plaintiff in this case brought itself within the first class set out above? I do not think so. The words do not impute to the plaintiff that it has committed a criminal offence for which it could be convicted. It is to be noted that this class covers cases where a plaintiff can be made to suffer physically by way of punishment which the plaintiff in this case clearly cannot suffer.

Has the plaintiff brought itself within the second class? The plaintiff relies on section 5 of the Dafamation Act which provides:

> "In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business."

In paragraph 7 of the amended statement of claim it is pleaded that "the said words were calculated to disparage the plaintiff in its said undertaking" and counsel for the plaintiff says that the undertaking was to contest the election.

By section 5 any defamatory statement which reflects upon a person in the way of his office, profession, calling, trade or business is actionable without proof of special damage provided he was following that calling at the time when the words were spoken and published and provided the words amount to either a charge of misconduct or of unfitness against him in relation to that calling. Counsel for the plaintiff maintains that the plaintiff is registered under the Societies Act and is a legal entity. But is it? The Societies Act does not create a body corporate. It creates an association of individuals which is given the right, *inter alia*, to sue or be sued in its registered name. It is clear that the words "office, profession, calling, trade or business" are not applicable to a political party. Most of the reported cases deal with personal rather than corporate plaintiffs but this exception to the normal rule requiring special damage to be proved in cases of slander has been extended to a corporate plaintiff carrying on a trade or business. (See *D. & L. Caterers Ltd. & Jackson* v. *D'Ajou*[6]). It is not suggested by the plaintiff, and it cannot be suggested, that the plaintiff is a profit-making organisation which would justify its inclusion in this exception. It is to be noted that in its pleadings the plaintiff used the word "undertaking" which does not appear in section 5.

The plaintiff therefore does not come within the second class.

Where the spoken words do not fall under one of the four classes I have mentioned the plaintiff can only maintain an action for slander if he has suffered special damage.

What constitutes special damage? It is defined in *Gatley*, paragraph 203, as follows:

> "Special damage is some 'actual temporal loss' — the loss of some 'material' or 'temporal advantage' which is 'pecuniary' or 'capable of being estimated in money'."

The actual loss must be proved. The special damage must be the natural and reasonable result of the defendant's words. The special damage must be the direct result of the defendant's words.

In the present case the special damage pleaded in the amended statement of claim is the sum of $10,577.38 being the election expenses incurred by the plaintiff and is alleged to flow from a statement made to the two hundred odd voters in the constituency of Paya Lebar who attended the rally. There is no claim against Tay Boon Too for repetition or republication of the words.

The plaintiff has not proved that it has suffered special damage. The evidence is that the sum of $10,577.38 was the entire election expenses of the plaintiff in twenty seven constituencies and that that whole sum would have been expended in any event whatever the result of the election. There is no evidence to link the dismal failure of the plaintiff to win a single seat with the statement of the defendant Tay Boon Too. In any event, it cannot be said that the entire election expenses of the plaintiff in twenty constituencies can represent special damage as a result of words uttered to a small group of people at one street meeting in one constituency.

I next come to deal with the defence of both the defendants that the words are not defamatory.

In paragraph 6 of the amended statement of claim in the suit against Tay Boon Too the plaintiff pleads:

"By the said words the defendant meant and was understood to mean that the plaintiff was acting in the interests of persons who were not citizens of Singapore and that the plaintiff's motives in contesting the elections were questionable as to whether they were genuinely to serve the interests of the citizens of Singapore or foreigners and that the plaintiff was associating itself with a subversive arm of a foreign power in Singapore."

In paragraph 5 of the statement of claim in the suit against the Attorney-General the plaintiff pleads in similar terms except for the sentence "and that the plaintiff was associating itself with a subversive arm of a foreign power in Singapore".

In the suit against Tay Boon Too the words complained of are as follows: —

"That the plaintiff had received a sum of $600,000 from Kuala Lumpur for the current election campaign and celebrated its anniversary at the Singapore Malay National Organisation's premises indicating that it is not an independent party and that the Singapore Malay National Organisation is a Kuala Lumpur arm in Singapore which carries out subversive activities."

One has to consider the words complained of in the context of a general election in which the plaintiff was seeking public office. In *Seymour* v. *Butterworth*[7] Cockburn C.J. said (at page 168):

"It was not disputed that the public conduct of a public man might be discussed with the fullest freedom. It might be made the subject of hostile criticism and of hostile animadversions, provided that the language of the writer was kept within the limits of an honest intention to discharge a public duty, and was not made a means of promulgating slanderous and malicious accusations."

The principles that must be applied in determining whether the words complained of are defamatory or otherwise can be found in paragraph 4 of *Gatley* where the learned authors explained in these terms:

"There is no wholly satisfactory definition of a defamatory imputation. Any imputation which may tend 'to lower the plaintiff in the estimation of right-thinking members of society generally', 'to cut him off from society', or 'to expose him to hatred, contempt or ridicule', is defamatory of him. An imputation may be defamatory whether or not it is believed by those to whom it is published. Where, as in the cases of libel and of slander actionable per se, the publication of the matter containing the defamatory imputation is actionable without proof of damage, the law will presume that some damage flows from such publication. An imputation may be defamatory whether or not it is true; conversely, untruth alone does not render an imputation defamatory."

The defendants have not sought to justify the statement that the plaintiff received $600,000 from abroad. Much play has been made by counsel for the plaintiff in support of the untruth of this statement but untruth alone does not render an imputation defamatory.

An imputation to be defamatory must tend to lower the plaintiff in the estimation of right-thinking members of society generally (*per* Lord Atkin in *Sim* v. *Stretch*[8]).

The receipt of funds by a political party is not *per se* defamatory. It is not unlawful for a political party to receive money at home or abroad and no right-thinking person would have given the words complained of a defamatory sense in their natural and ordinary meaning as the plaintiff seeks to put on them in its amended statement of claim.

In order to read a defamatory meaning into the alleged receipt of $600,000 the plaintiff has set out at length in his amended statement of claim an innuendo.

In *Grubb* v. *Bristol United Press Ltd.*[9] Holroyd Pearce L.J. said (at page 391):

"But the genuine innuendo which provides a separate cause of action is that which alleges an extension of the meaning of the words used and it must be supported by evidence of facts extrinsic to the words themselves."

So the burden of proof is on the plaintiff to establish and if it relies on any extrinsic facts it must prove them.

The innuendo as regards the $600,000 is not at all supported by the evidence that the plaintiff has adduced nor by the arguments put forward by counsel for the plaintiff.

Ee Boon Lee the Controller News in the Department of Broadcasting did say in evidence that the statements made by various Government leaders in Singapore indicated that there were external financing of certain political parties but this does not prove the innuendo suggested by the plaintiff.

Counsel for the plaintiff in his opening address said (after the court has ruled that speeches made by P.A.P. leaders are not admissible) that evidence would be adduced, without reference to the speeches, that (I quote from my notes) "the P.A.P. lost little time in trying to tell the electorate that the opposition parties were proxies for foreign agents in Singapore, that they were being manipulated from outside. The suggestion is that the opposition parties could not serve the

interest of Singapore citizens." But no such evidence was adduced.

To say that the plaintiff "celebrated its anniversary at the Singapore Malay National Organisation's premises indicating that it is not an independent party and that the Singapore Malay National Organisation is a Kuala Lumpur arm in Singapore which carries out subversive activities" is not defamatory of the plaintiff in its natural and ordinary meaning and indeed they are not capable of bearing the extended meaning which the plaintiff seeks to put on them in its amended statement of claim.

In support of his contentions, counsel for the plaintiff relies on a number of cases but they do not help the plaintiff. *Syed Husin Ali* v. *Sharikat Penchetakan Utusan Melayu Berhad*[10] was a case where at the relevant time Indonesia was in the position of an enemy country. In *Braddock* v. *Bevins*[11] the essential element was that Mrs. Braddock was imputed to be a communist, which is itself actionable. In *Burns* v. *Associated Newspapers Ltd.*[12] Ashbury J. said that he thought that "communists were such persons that to describe a man as a communist was probably libellous." Here the plaintiff is not being accused of being communist.

Another defence of the defendant Tay Boon Too is a plea of justification of the words complained of introduced by the amended statement of claim commencing with the words "and celebrated its anniversary" to the end of paragraph 5 of the amended statement of claim. The defendant in paragraph 7 of his re-amended defence pleads "that the said words are to the extent, if at all, that they were in fact spoken by the defendant in their natural and ordinary meaning and with the meaning alleged in paragraph 6 of the amended statement of claim true in substance and in fact."

To establish a plea of justification, the defendant must (1) prove that the defamatory imputation is true; (2) justify the precise imputation complained of and (3) prove the truth of all the material statements in the libel. There must be a substantial justification of the whole libel. However, it is not necessary to prove the truth of every word of the libel. As Burrough J. said in *Edwards* v. *Bell*[13] "as much must be justified as meets the sting of the charge, and if anything be contained in a charge which does not add to the sting of it, that need not be justified."

The facts and matters which the defendant relies on in support of the allegation that the words alleged are true are set out in the particulars to paragraph 7 of the re-amended defence.

It has certainly been proved by the evidence of the plaintiff's witness Wong Hong Toy, the Chairman of the Workers' Party, that the plaintiff held its Chinese New Year celebration at the premises of the Singapore Malay National Organisation at UMNO House, Changi Road, on the 12th March, 1972, and that the Singapore Malay National Organisation was originally known as the United Malay National Organisation and is and always has been closely associated with the United Malay National Organisation of Malaysia. But the defendant has not proved that the Singapore Malay National Organisation has encouraged communalism in Singapore leading to riots and breaches of the peace.

The defendant Tay Boon Too has not succeeded in his plea of justification.

I now turn to deal with the defence of qualified privilege raised by the Attorney-General.

It is submitted that the broadcast was made on an occasion of qualified privilege. The defendant relies on the statutory protection set out in section 12 of the Defamation Act and Schedule. This defence is made available to the Department of Broadcasting by virtue of section 13 of the Act.

In order to have the protection of the Statute the following must be observed: —

(1) The report must be a fair and accurate report of the proceedings at any public meeting held in Singapore.

(2) The meeting must be *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern and for the public benefit.

The defendant must prove the facts and circumstances necessary to create the privilege unless they are already in evidence. In this case the defendant claims that he has established them in cross-examination of the plaintiff's witness.

On the evidence of Ee Boon Lee and Law Ah Ta there is no doubt that the report was a fair and accurate one.

Counsel for the plaintiff has conceded that there was a police permit granted for holding the meeting. There is evidence that there were some two hundred people present at the meeting; that it was an election meeting and that there were nine speakers. I find that the meeting was *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of election issues.

Ee Boon Lee's evidence was that it was only reports that were newsworthy that were being broadcast and that in determining what is newsworthy he would have regard to the general public interest and that he would only broadcast an item of news if it is for the general benefit.

The meeting at which these words were said by Tay Boon Too was a political rally. The subject matter of the report touching upon the plaintiff was one of public concern and it was for the public benefit that publication was made of the statement that $600,000 had been received by the plaintiff from a foreign country.

It is clear that the words were broadcast on a privileged occasion and there is no evidence to establish malice.

In the result the plaintiff fails in both its actions and they are dismissed with costs.

Claims dismissed.

Solicitors: *J. B. Jeyaretnam & Co.; Rodyk & Davidson.*